

Docket No. 0708-4038

APR 16 41

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Gerald Wagner

Group Art Unit: 1641

JUN 1 2004

Serial No.: 09/087,871

Examiner: Gabel, Gailene

TECH CENTER 1600/2900

Filed: June 2, 1998

For: AUTOMATED DIAGNOSTIC SYSTEM IMPLEMENTING IMMUNOASSAYS  
AND CLINICAL CHEMISTRY ASSAYS ACCORDING TO A REFLEX  
ALGORITHM

**NOTICE OF APPEAL TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences  
from the decision(s) dated December 24, 2003, of the Primary Examiner. The item(s) checked  
below are appropriate:

- ☐ Fee not required (Fee paid in prior appeal)  
☒ Appeal Fee Large Entity (\$330.00)  
☐ Small Entity Appeal Fee (\$165.00)  
☐ A check in the amount of \$\_\_\_\_\_ to cover the appeal fee is enclosed.  
☒ Charge fee to Deposit Account No. 13-4500, Order No. 0708-4038. A  
DUPLICATE COPY OF THIS SHEET IS ATTACHED.  
☒ The Commissioner is hereby authorized to charge any additional fees which may  
be required by this paper, or credit any overpayment to Deposit Account No.  
13-4500, Order No. 0708-4038. A DUPLICATE COPY OF THIS SHEET IS  
ATTACHED.

05/28/2004 DEMMANU1 00000058 134500 09087871

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Dated: May 24, 2004

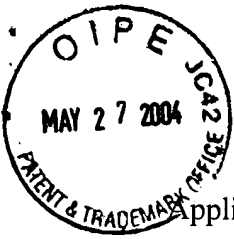
Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

By: 

David V. Rossi  
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**CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached:

1. Petition and Fee for Extension of Time (in duplicate)  
(w/fee authorization)
2. Notice of Appeal to the Board of Patent Appeals and Interferences
3. Return Receipt Postcard

along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to the: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: May 24, 2004

By: 

David V. Rossi

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